IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 572 of 2004(R)

PETITIONERS:
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1. **K.K.CHANDRAN, AGED 30 YEARS,**
   S/O. KUNHANANDAN, KOMATHVALLY, MARUTHORVATTOM P.O. CHERTHALAI.

2. **NARAYANAN, AGED 50 YEARS,**
   KORANKULATHVALLY, MARUTHORVATTOM P.O., CHERTHALAI.

BY ADV. SRI.M.B.PRAJITH.

RESPONDENTS:
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1. **MARUTHORVATTOM SCHEDULED CASTE SERVICE CO-OPERATIVE SOCIETY NO.A-173, MARUTHORVATTOM P.O. CHERTHALAI, REP. BY THE SECRETARY.**

2. **THE RETURNING OFFICER,**
   MARUTHORVATTOM SCHEDULED CASTE SERVICE CO-OP. SOCIETY NO.A-173, MARUTHORVATTOM P.O., CHERTHALAI, ALLEPPEY DISTRICT.

3. **THE ASST. REGISTRAR,**
   CO-OP. SOCIETIES, CHERTHALAI.

***ADDL. R4 TO 10 IMPLEADED:**

4. **THANNIMUKKOM PADMANABHAN,**
   S/O. KOCHU, SIDDI,
   THANNEERMUKKOM.P.O.,
   CHERTHALAI.

W.P.(C). NO.572/2004:

5. **JANOY, S/O. BHASKARAN,**
   KODIYANTHARA VELLI,
   MARUTHORVATTOM, CHERTHALAI.

6. **P.A. THANKAPPAN, S/O. AYYAPPAN,**
   PARAVAKKEL THEKKEVELLI,
   MARUTHORVATTOM, CHERTHALAI.

7. **A.V. PRABHAKAAN, S/O. VELUTHA,**
   ARANGAVELI, MATTATHIPARAMBU.P.O.,
   CHERTHALAI.

8. **K.P. THIRUMENI, S/O. PAPPAN,**
   KORAMKULANGARA VELI,
   MARUTHORVATTOM.

9. **PONNAPPAN RADHA,**
   LAKSHMI NIVAS, MUTTATHIPARAMBU.P.O.,
   CHERTHALAI.

***ADDL. R4 TO 10 IMPLEADED AS PER ORDER DATED 09/01/2004 IN I.A. 316/2004.**

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY,
GOVT. PLEADER SMT. LATHA THANKAPPAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.572/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SAID NOTIFICATION DTD. 11/12/2003.

EXT.P.2: COPY OF THE INTIMATION LETTER RECEIVED BY ONE OF THE MEMBER.

RESPONDENT'S EXHIBIT:

ANNEXURE.A: COPY OF THE CERTIFICATE OF POSTING DTD. 18/12/03 FROM MARATHORVATOM POST OFFICE.

//TRUE COPY//

prv.

KURIAN JOSEPH, J

W.P. (C)No.572 of 2004

Dated this the 26th day of February 2007

JUDGMENT

The issue raised in this writ petition pertains to certain alleged irregularities in the matter of conduct of election to the 1st respondent society. Based on the submission of the learned counsel for the petitioner, this court has permitted the election subject to the writ petitions. In view of the disputed facts, involved in this case, I am of the view that it is only appropriate that the petitioners pursue their ordinary remedy before the Co-operative Arbitration Court. In the above circumstances, the writ petition is disposed of as follows.

2. In the event of the petitioners approaching the Co-operative Arbitration Court within a period of one month from today in respect of the issues raised in the writ petition, the same shall be treated as filed in time. Thereafter, the Co-operative Arbitration Court shall dispose of the case, within another four months.

(KURIAN JOSEPH, JUDGE)

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